

July 29, 2004

Ms. Marlene H. Dortch  
Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W. Room TW-A325  
Washington DC 20554

Re: ***Ex Parte* Presentation**  
In the Matter of Joint Petition for Rulemaking to Resolve  
Various Outstanding Issues Concerning the Implementation of the  
Communications Assistance for Law Enforcement Act (RM-10865)

Dear Ms. Dortch:

This is to inform you that Jerry Berman and Lara Flint of the Center for Democracy & Technology met on July 28, 2004 with Christopher Libertelli of the office of Chairman Michael Powell.

The purpose of this meeting was to convey the perspective of the Center for Democracy & Technology on the policy and technical issues raised by the pending Joint Petition filed by Law Enforcement seeking, among other things, to extend CALEA to cover the Internet and Internet applications. The substantive points and concerns conveyed by CDT were:

- A broad spectrum of industry and public interest organizations have raised serious questions about the Law Enforcement Petition.
- CALEA's legislative history makes clear that it does not cover the Internet.
- Law Enforcement has not presented a factual record showing either that there is a problem to be solved or that VoIP is a substantial replacement for local telephone exchange service.

- To adequately do its job, Law Enforcement must itself develop the capabilities that it wants to impose on industry.
- There is a real threat to innovation if Law Enforcement can impose design mandates on the Internet or on Internet applications.

Pursuant to the Commission's rules, this letter will be filed via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced proceeding.

Respectfully submitted,

/s/

John B. Morris, Jr.

cc: Christopher Libertelli